

THE CHAIRMAN: Delegate Hostetter.

DELEGATE HOSTETTER: Several questions have already been asked with respect to this provision and all of them have been answered in this manner, that they could be handled legislatively. Could not this particular proposal be handled in the same manner, by the legislature?

DELEGATE BOTHE: Oh, yes, there is no question but that the legislature with its plenary powers could both grant this right and implement it as I hope it will by statute.

The question, however, is that such things have not happened. We have not had a new constitution in one hundred years. In the interim, a great many states who have rewritten their constitutions to meet new and emerging needs and situations have felt it advisable to accord this right through the constitution. And there is no right which we have adopted in this Committee which could not, as well, be assured by statute.

However, there are certain ones which we feel are of such significance that they ought to be expressed in the constitution and the minority contend that this is one of them.

THE CHAIRMAN: Delegate Hostetter?

DELEGATE HOSTETTER: Has not this particular amendment and proposal already been set forth as the policy of the State through court rulings?

DELEGATE BOTHE: The policy of the State set forth as you mention I think only occurs in one place, in Article 100 of the Code which is an anti-labor injunction statute passed in 1939.

There is a statement of state policy but, of course, it has no effect and it is only a right in terms of the court's being precluded from enjoining labor activity.

I would not say that the broad scope has been accepted in any laws or court decisions.

THE CHAIRMAN: Delegate Hostetter.

DELEGATE HOSTETTER: Has there been any denial in the State by law of the right to organize? In other words, has a specific law ever been passed in the State denying the right to organize and bargain collectively?

DELEGATE BOTHE: Of course not.

I might say, I thought you were going to ask me a slightly different question, which I would like to answer.

*(Laughter.)*

As for the right being denied by absence of law, it occurs all the time. The most recent situation, involved the employees at the Church-Home Hospital in Baltimore who struck because they could get no recognition from the management of that institution, could not even get to talk, so they went out on strike and had to come crawling back because there was no redress.

I might say that it is my understanding that their strike was not over wages but over grievance procedure.

THE CHAIRMAN: Delegate Weidemyer.

DELEGATE WEIDEMEYER: Delegate Bothe, is it not true that the word "employees" in line 8 of your amendment is all-inclusive so if it were placed in the constitution, it would prohibit the legislature from making any regulatory statutes regarding state employees, municipal employees, employees of institutions of the State, et cetera.

DELEGATE BOTHE: You mean that the State would not be able to pass any laws or make any regulations or statutes? I am sure you are a better lawyer than to be asking that seriously.

THE CHAIRMAN: Delegate Weidemyer.

DELEGATE WEIDEMEYER: My question was, is it not true that the word "employees" in line 8 is so all-inclusive without qualification that if placed in the constitution it would prohibit the state legislature from making any regulatory legislation regarding municipal and state employees and employees of state institutions or quasi-state institutions.

DELEGATE BOTHE: I cannot see where that would follow at all. Of course, the state subdivisions would continue to pass laws and make regulations and control the terms and conditions.

As a matter of fact, all this proposal would say is that where the employees of the State wanted in some respects to participate or discuss these terms, they would have an avenue to do it in, but as for the ultimate determination of the amount of wages, the conditions of work and the various other regulatory matters effecting the State and its employees, this would continue as it always has.

THE CHAIRMAN: Delegate Bothe, I think Delegate Weidemyer's question is